

Remarks

The Official Action of March 10, 2005 has been carefully considered. Consideration of the remarks and amendments presented herein and reconsideration of the rejections are respectfully requested.

Applicants hereby affirm the telephonic election of Group I, comprising claims 1-23, as indicated by Applicants' undersigned counsel on March 7, 2005. Claims 24-25 are hereby canceled as being directed to a non-elected embodiment. Claims 1-4, 11, 14, and 21 have been amended for clarification of the invention, and new claims 26-27 have been added. Support for these claim amendments and new claims can be found within the specification at, for example, page 20, line 22 through page 21, line 29. Accordingly, claims 1-23 and 26-27 remain in the present application and are believed to be in condition for allowance.

Claims 1, 2, 5-12, 14-16, 18-20 and 23 were rejected under 35 U.S.C. §102(b) under the argument that they are anticipated by U.S. Patent No. 3,530,640 to Hoffman, and claims 3, 4, 13, 17, 21, and 22 were rejected under 35 U.S.C. §103(a) under the argument that they are unpatentable over Hoffman. Applicants submit that Hoffman does not teach or suggest any of the methods defined by claims 1-10, the apparatuses of claims 11-13, or the systems of claims 14-23. Accordingly, these rejections are traversed and reconsideration is respectfully requested.

The Official Action contends that Hoffman shows various embodiments for packaging a plurality of articles in a container by feeding a plurality of articles on a conveyor, aligning them by the side channels, pushing the articles by a ram onto a container blank, pushing the articles and the container down by a ram into a channel that has vertical deflector sides that fold the container around the articles, and then finally moving the articles and the containers by an exit conveyor at the bottom of the channel. The Official Action takes official notice that the use of prepasted container blanks, vacuum pickup and transfer mechanisms, and general packaging mechanisms is common knowledge in the packaging art,

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and that it would have been obvious to one skilled in the art to have modified Hoffman to achieve purportedly known benefits of each modification. For example, according to the Official Action, prepasting assures the sealing of a container and eliminates the need for subsequent gluing mechanisms, vacuum pickup ensures positive control of the articles during transfer, and wrapping and palletizing ensures better protection of the articles.

Hoffman fails to teach each of the elements of independent claims 1, 11, 14 and 26. For example, Hoffman does not teach a packaging method or apparatus in which a group of articles is associated with a partially erected carton blank that has a top panel, a bottom panel, a first side panel, a second side panel, a plurality of unbent major flaps extending from the bottom panel, and a plurality of unbent minor flaps extending from each of the first side panel and the second side panel, whereby the first side panel and the second side panel connect the bottom panel with the top panel such that the top panel is substantially parallel with the bottom panel and is spaced from the bottom panel, and such that the first side panel is substantially parallel with the second side panel and is spaced from the second side panel. Furthermore, Hoffman does not teach movement of the associated carton blank and group vertically through the channel in a single direction perpendicular to a plane defined by the bottom panel, whereby this movement results in the bending of the major flaps and the minor flaps by the deflector assembly such that the carton blank is substantially fully assembled around the group before the associated carton blank and group exit the channel. For these reasons and other reasons not specifically identified herein, the rejection under 35 U.S.C. §102(b) over Hoffman is improper and should be removed. As it furthermore would not have been obvious to modify Hoffman to reach the claimed invention, the rejection of claims 3, 4, 13, 17, 21, and 22 under 35 U.S.C. §103 is also improper and should be removed.

The rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103 are therefore inappropriate and should be removed for at least the above reasons. The dependent claims are allowable as depending directly or indirectly from allowable independent claims, as well as for additional reasons not discussed herein. It is therefore believed that the rejections are

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overcome and that claims 1-23 and 26-27 are in condition for allowance. Applicants respectfully request reconsideration and early allowance of this application.

Respectfully submitted,

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